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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,128

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Michael Coveley

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EXAMINER

HOFSSASS, JEFFERY A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,128	Applicant(s) COVELEY ET AL.	
	Examiner JEFFERY HOFSSASS	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-34, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 25 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are pending in the application. Applicant has filed many claims with divergent subject matter. Due to the fact that the PCT report provided some prior art and relieved some of the search burden, no restriction will be made at this time. However if the claims are amended in a way to require further searching applicant can expect a restriction requirement.

In figure 12 box 1226 needs to be labeled. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 26-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, line 2, "said identification tag" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States or-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20, 21, 23, 24, 31, 32-34, 36 and 37 are rejected under 35

U.S.C. 102(b) as being anticipated by Werb et al. (6,456,239).

Independent claims 20 and 31 define a means of tracking and auditing the movement of persons in a facility, comprising assigning a device containing a unique ID and transmitter, for each individual having access to the facility, where the device transmits the assigned unique ID, detecting the unique ID transmissions at one or more locations in the facility, based on movements of the individuals, and establishing and storing a record for each of the individuals, each record including temporal data indicating time and date for detection of the unique ID for each individual.

Werb discloses a means for determining locations of ID tags. Tag reference data may be stored, such as in the form of a lookup table, as a trained neural network, and so on, and then used to determine the location of the tags. Readings used to determine tag location and/or preliminary tag locations may be filtered to produce reliable tag location indications, and to generate confidence levels to indicate how well an asset location system can distinguish between different tag locations. Packages of user configurable parameters can be provided and used for the filtering of the preliminary tag locations. The locations of objects bearing tags are identified within clearly defined zones, such as rooms and hallways in hospital settings (as described in columnn 10, lines 10-27), both by Boolean rules and by triangulation using antennas in the zones Both medical equipment (as

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described in column 24, lines 54-60) and people can be tracked using affixed tags,

including people at medical risk, such as babies, for which positional tracking is critical, and moving these dedicated tags outside of their restricted zones will trigger alarms (as described in column 37, lines 1-22). In addition, temporal data is tracked as well (as described in column 16, lines 8-18), as the amount of time in which a given tag is present in a given zone is one of the factors which determines the manner in which the system is alerted, depending on the security code of the tag and the current zone where the tag is detected. It is further seen that a second network containing controller 10 polls the transmitters and generates an audit record for each of the transmitters (see col. 10, line 52- col. 13, line 18)

As to claims 21 and 32 Werb show definite transmission of polling requests on a predetermined time basis (see col. 11, lines 22-50)

As to claim 36, Werb shows that transmitters are applied to apparatus in the facility (see figure 8 and also note col. 24, lines 54-65)

As to claim 23 and 24, 33, 34 Werb disclosed that the system is used for reconciling identification signals associated with persons who have left the facility or randomly leave and enter the facility (see column 37, lines 1-22)

As to claim 37 see the alarm disclosed by Werb (column 37, lines 1-22)

.Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating

obviousness or nonobviousness.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werb in view of Marino (2007/0257857).

Werb does not specifically disclose the use of a Balun antenna. Marino discloses that a balanced feed balun antenna can be used in an RFID system [0039]. It would have been obvious to combine the teaching of Marino with Werb as this type of antenna would have been an option of different types of antennas that could have been used based upon the particular desired operating parameters of the wireless system.

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9. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werb as applied to claims 20 and 31 above, and further in view of Chan (7,394,370).

As to claims 1, 8 and 14 the limitations have been discussed above with regard to Werb except the fact is that an infectious disease carried by a person is being tracked. Chan discloses that wireless tags can be used to monitor people with contagious diseases (see the abstract and col. 1, line 23- col. 5, line 58), It would have been obvious to combine the teaching of Chan with Werb as one tracking people in general would certainly find it important to particularly track people that have a disease.

As to claims 2- 7, 10-12 and 15-19 also see the discussion of Werb above and note that the module and sub-module of claim 4 corresponds to the first and second network of claim 20 and that the system is an RFID system (col. 3, ones 19-53)

As to claims 9 and 13, see column 5, lines 3-19 of Chan.

10. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. (2005/0248438) in view of Tuttle (6,052,062).

As to claim 26, Hughes discloses that an identification apparatus can be used with a system for tracking the movement of persons in a facility [0002], said identification tag comprising a carrier member having a first surface; a passive antenna; an active antenna;; a receiver circuit; a transmitter circuit; and said

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receiver and said transmitter circuits being electronically coupled to said passive and said active antennas [fig 2]. The only feature not explicitly shown is that the antennas have one or more windings mounted on said first surface in proximity to the periphery of the carrier member. Tuttle show that antennas 32 and 34 have windings and can be on the device's surface in proximity to each other. It would have been obvious to combine the teaching of Hughes with Tuttle to specifically show antenna construction in an RFID device.

As to claims 27 and 28, the passive antenna having an operating frequency of approximately 13.56 MHz and said active antenna having an operating frequency of approximately 466 or 860 MHz would have been an obvious matter of design choice based upon the particular environment and range desired in the system. These operating frequencies are further well know. Applicant can see the attached document "JSIC".

As to claim 29, Hughes discloses the operating frequency can be 2.4 GHz (col. 4, line 2). As to the passive antenna having an operating frequency of approximately 860 MHz, see the discussion of claims 27 and 28 above.

As to claim 30, to have the windings of said active antenna thinner than the windings for said passive antenna would have been an obvious design choice based upon the particular frequencies chosen to operate the antennas at. It is

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known that the particular shape and diameter of the antenna aid in the reception/transmission of signals

11. Claims 22 and 35 are objected to as containing allowable subject matter and would be allowable if re-written in independent form including all intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JISC discloses well known specifics including operating frequencies of RFID systems.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFERY HOFSSASS whose telephone number is (571)272-2981. The examiner can normally be reached on a maxiflex schedule from 8:30am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeff Hofsass/
Primary Examiner, Art Unit 2612

Jeff Hofsass
Primary Examiner
Art Unit 2612

2/12/2010